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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/668,894 | 09/23/2003 | Edward Zuzelo | ZUZELO-4 | 3584 |

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EXAMINER

JIMENEZ, MARC QUEMUEL

ART UNIT PAPER NUMBER

3726

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/668,894

Applicant(s)

ZUZELO, EDWARD

Examiner

Marc Jimenez

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 11, 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 and 15 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claim 14** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 depends upon canceled claim 13.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claim 1** is rejected under 35 U.S.C. 102(e) as being anticipated by Singh et al. (US6691596).

Singh et al. teach providing a circular blade 122 (figure 4) having a geometric center

point **140**, forming an arbor mounting hole **124** in the circular blade **122** that is symmetrically shaped about either side of a mid-line **141**, wherein the mid-line **141** does not extend through the geometric center point **140** of the circular blade.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 2** are rejected under 35 U.S.C. 103(a) as being unpatentable over Singh et al. in view of Zuzelo (US5477845).

Singh et al. teach the invention cited with the exception of the arbor mounting hole including five flat edges.

Zuzelo teaches forming an arbor mounting hole having five flat edges (col. 2, lines 50-52).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Singh et al. with an arbor mounting hole having five flat edges, in light of the teachings of Zuzelo, in order to provide a more secure attachment to the arbor.

7. **Claims 3 and 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Singh et al. in view of Conley et al. (US6846223).

Singh et al. teach the invention cited with the exception of having the claimed arbor mounting hole features.

In figure 3, Conley et al. teach in the vicinity of reference numeral **316**, first and second long side edges intersecting at a first angle, wherein the first angle is bisected by the midline **312**, a top side edge (above reference numeral **316**) that lay perpendicular to the mid-line **312**, first and second short side edges connecting the first long side edge to the top side edge and the second long side to the top side edge (see to the left and right of reference numeral **316**).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Singh et al. with first and second long side edges intersecting at a first angle, wherein the first angle is bisected by the midline, a top side edge that lay perpendicular to the mid-line, first and second short side edges connecting the first long side edge to the top side edge and the second long side to the top side edge, in light of the teachings of Conley et al., in order to more securely fasten the blade to the arbor.

Regarding claim 5, see Conley et al., figure 3, which show a continuous hole with five points of intersection between sides.

8. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Singh et al. in view of Conley et al. alone or over Singh et al. in view of Conley et al. as applied to claim 3 above, and further in view of Zuzelo.

Singh et al./Conley et al. teach the invention cited with the exception of the short side edges being straight edges. It is noted that the top and long edges are straight (see figure 3 of Conley et al.). Whether the short side edges are straight or curved as shown by Conley et al., is considered an obvious matter of design choice to person of ordinary skill in the art, since the use of a curved or straight edge would work equally as well in securing the blade to the arbor.

Alternatively, Zuzelo teaches that an arbor hole could be any shape including four-sided or five-sided or more (col. 2, lines 46-52). It is inherent that the sides are straight. Zuzelo gives an example of a three sided arbor in figure 5 that has all straight edges.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Singh et al./Conley et al. with straight short side edges, in light of the teachings of Zuzelo, in order to provide a secure attachment to a straight edged arbor.

Response to Arguments

9. Applicant's arguments filed 8-9-06 have been fully considered but they are not persuasive.

10. Applicant argues that in the Singh patent, in figure 4, the offset center 140 is not the center of the blade. However, the claims recite "providing a circular blade having a geometric center point". It is not recited in the claims that the offset center is the center of the blade as

argued. As clear from figure 4 of Singh, there is a “geometric center point” as claimed. The limitation “geometric center point” is not specific as to what the geometric center point is referring to, it could be any geometric center point as long as there is a geometric center point. The offset center **140** is considered a “geometric center point” of the circular blade. Applicant argues that Singh does not teach the arbor hole being offset, however, the arbor hole is offset from the center **140**.

Allowable Subject Matter

11. Claims 11 and 15 are allowed.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

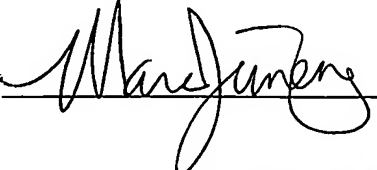
Interviews After Final

13. Applicant note that an interview after a final rejection will not be granted unless the intended purpose and content of the interview is presented briefly, in writing (the agenda of the interview must be in writing) to clarify issues for appeal requiring only nominal further consideration. Interviews merely to restate arguments of record or to discuss new limitations will be denied. See MPEP 714.13 and 713.09.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Jimenez whose telephone number is (571) 272-4530. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 9-26-06
MARC JIMENEZ
PRIMARY EXAMINER